

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re  
REFCO INC., et al.,

Debtors.

Case No. 08-CV-04105

(Referred to Judge Gerard E. Lynch)

In re  
REFCO INC., et al.,

Debtors.

Chapter 11

Case No. 05-60006 (RDD)

(Jointly Administered)

JOSEPH MURPHY, WILLIAM M. SEXTON, DENNIS  
A. KLEJNA, GERALD SHERER, PHILIP  
SILVERMAN, RICHARD N. OUTRIDGE, TONE  
GRANT, LEO R. BREITMAN, NATHAN GANTCHER,  
DAVID V. HARKINS, SCOTT L. JAECKEL, THOMAS  
H. LEE, RONALD L. O'KELLEY, AND SCOTT A.  
SCHOEN,

Plaintiffs,

v.

ALLIED WORLD ASSURANCE COMPANY (U.S.),  
INC. and ARCH INSURANCE COMPANY,

Defendants, and

JOHN D. AGOGLIA, EDWIN L. COX, SUKHMEET  
DHILLON, THOMAS H. DITTMER, STEPHEN  
GRADY, THOMAS HACKL, ERIC G. LIPOFF, PETER  
MCCARTHY and FRANK MUTTERER.

Nominal Defendants.

Adv. Proc. No. 08-01133 (RDD)

**NOTICE OF MOTION  
TO ADMIT COUNSEL  
PRO HAC VICE**

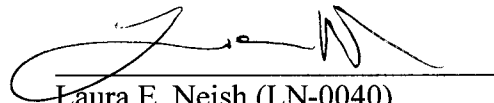
PLEASE TAKE NOTICE that, upon the annexed Affirmation of Laura E. Neish, Esq., in

support of this motion, and the Declaration of Norman L. Eisen and Certificates of Good

Standing annexed thereto, Laura E. Neish, an attorney duly admitted to practice in this Court, hereby moves this Court, on behalf of Defendant Tone Grant, for an Order granting the admission *pro hac vice* of Norman L. Eisen, Esq., to argue or try the above-referenced case, in whole or in part.

Dated: New York, New York  
May 21, 2008

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Laura E. Neish', is written over a horizontal line.

Laura E. Neish (LN-0040)  
Zuckerman Spaeder LLP  
1540 Broadway, Suite 1604  
New York, New York 10036  
Tel: 212-704-9600  
Fax: 212-704-4256  
lneish@zuckerman.com

*Attorneys for Plaintiff Tone Grant*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----	X	
In re	:	Case No. 08-04105
REFCO INC., et al.,	:	
Debtors.	:	(Referred to Judge Gerard E. Lynch)
	:	
-----	X	

-----	X	Chapter 11
In re	:	
REFCO INC., et al.,	:	Case No. 05-60006 (RDD)
Debtors.	:	
	:	(Jointly Administered)

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JOSEPH MURPHY, WILLIAM M. SEXTON, DENNIS	:	
A. KLEJNA, GERALD SHERER, PHILIP	:	Adv. Proc. No. 08-01133 (RDD)
SILVERMAN, RICHARD N. OUTRIDGE, TONE	:	
GRANT, LEO R. BREITMAN, NATHAN GANTCHER,	:	
DAVID V. HARKINS, SCOTT L. JAECKEL, THOMAS	:	
H. LEE, RONALD L. O'KELLEY, AND SCOTT A.	:	
SCHOEN,	:	

v.

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MCCARTHY and FRANK MUTTERER,

Nominal Defendants.

**AFFIRMATION OF LAURA E.  
NEISH IN SUPPORT OF  
MOTION TO ADMIT COUNSEL  
PRO HAC VICE**

STATE OF NEW YORK	)
	) ss.:
COUNTY OF NEW YORK	)

LAURA E. NEISH hereby affirms and states:

1. I am an attorney at law, duly admitted to practice before the courts of the State of New York and the United States District Court for the Southern District of New York.

2. I am associated with the firm of Zuckerman Spaeder LLP, which represents Plaintiff Tone Grant in the above-referenced matter.

3. I am fully familiar with all of the relevant facts and circumstances herein.

4. I respectfully submit this affirmation in support of the accompanying motion to admit Norman L. Eisen to practice *pro hac vice*, on behalf of Plaintiff Tone Grant, in the above-captioned matter.

5. Mr. Eisen is a partner at Zuckerman Spaeder LLP, 1800 M Street NW, Washington, DC 20036, where he practices in the areas of complex civil litigation, securities litigation, and bankruptcy. Mr. Eisen is duly admitted to practice in the courts of Maryland and the District of Columbia. There are no pending disciplinary proceedings against Mr. Eisen in any State or Federal court.

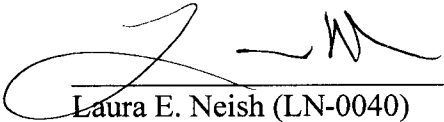
6. Mr. Eisen has been engaged to represent Tone Grant in the above-referenced matter.

7. The Declaration of Mr. Eisen is attached hereto as Exhibit A. Certificates of Good Standing from the Court of Appeals of Maryland and the District of Columbia Court of Appeals are attached hereto as Exhibit B. Mr. Eisen is prepared to comply with all rules of conduct applicable to lawyers admitted to practice in the Southern District of New York as well as the Individual Practices of this Court.

8. Accordingly, I respectfully request that this Court permit Norman L. Eisen to appear *pro hac vice* on behalf of Tone Grant in connection with the above-captioned matter.

Dated: New York, New York  
May 21, 2008

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Laura E. Neish', is written over a horizontal line.

Laura E. Neish (LN-0040)  
Zuckerman Spaeder LLP  
1540 Broadway, Suite 1604  
New York, New York 10036  
Tel: 212-704-9600  
Fax: 212-704-4256  
lneish@zuckerman.com

*Attorneys for Plaintiff Tone Grant*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Debtors.	:	(Referred to Judge Gerard E. Lynch)
	:	
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JOSEPH MURPHY, WILLIAM M. SEXTON, DENNIS	:	
A. KLEJNA, GERALD SHERER, PHILIP	:	Adv. Proc. No. 08-01133 (RDD)
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H. LEE, RONALD L. O'KELLEY, AND SCOTT A.	:	
SCHOEN,	:	

Plaintiffs,

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DHILLON, THOMAS H. DITTMER, STEPHEN  
GRADY, THOMAS HACKL, ERIC G. LIPOFF, PETER  
MCCARTHY and FRANK MUTTERER,

Nominal Defendants.

**DECLARATION OF NORMAN  
L. EISEN IN SUPPORT OF  
MOTION FOR ADMISSION  
PRO HAC VICE**

NORMAN L. EISEN, pursuant to 28 U.S.C. § 1746, hereby declares the following under

penalty of perjury:

1. I am a partner at the law firm of Zuckerman Spaeder LLP, 1800 M Street NW,

Washington, DC 20036, where I practice in the areas of complex civil litigation, securities litigation, and bankruptcy. I have been engaged to represent Plaintiff Tone Grant in the above-captioned matter.

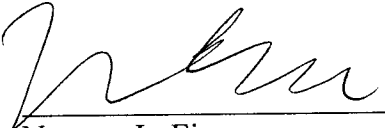
2. I submit this Declaration in support of the accompanying motion for admission to appear pro hac vice on behalf of Mr. Grant in this matter.

3. As indicated in the Certificates of Good Standing attached hereto, I am an attorney duly admitted to practice in the courts of the State of Maryland and the District of Columbia.

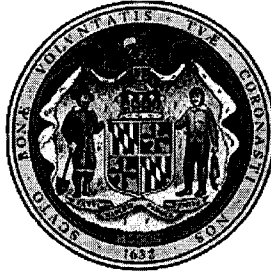
4. There are no pending disciplinary proceedings against me in any State or Federal court. I am prepared to comply with all rules of conduct applicable to lawyers admitted to practice in the Southern District of New York as well as the Individual Practices of this Court.

5. Accordingly, I respectfully request that I be permitted to appear pro hac vice on behalf of Tone Grant in the above-captioned matter.

Executed this 19 day of May 2008

  
\_\_\_\_\_  
Norman L. Eisen

**Court of Appeals  
of Maryland  
Annapolis, MD**



***CERTIFICATE OF GOOD STANDING***

*STATE OF MARYLAND, ss:*

*I, Bessie M. Decker, Clerk of the Court of Appeals of Maryland,  
do hereby certify that on the seventeenth day of December, 1991,*

**Norman L. Eisen**

*having first taken and subscribed the oath prescribed by the Constitution and  
Laws of this State, was admitted as an attorney of said Court, is now in good  
standing, and as such is entitled to practice law in any of the Courts of said  
State, subject to the Rules of Court.*

*In Testimony Whereof, I have hereunto  
set my hand as Clerk, and affixed the Seal  
of the Court of Appeals of Maryland, this  
fifteenth day of May, 2008.*

*Bessie M. Decker*

*Clerk of the Court of Appeals of Maryland*





District of Columbia Court of Appeals  
Committee on Admissions  
500 Indiana Avenue, N.W. — Room 4200  
Washington, D. C. 20001  
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia Court of Appeals, do hereby certify that

NORMAN L. EISEN

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was on the 13<sup>TH</sup> day of NOVEMBER, 1992

duly qualified and admitted as an attorney and counselor and entitled to practice before this Court and is, on the date indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of this Court at the City of Washington, D.C., on May 14, 2008.

GARLAND PINKSTON, JR., CLERK

By: M. Charles  
Deputy Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
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MCCARTHY and FRANK MUTTERER.

Nominal Defendants.

**ORDER FOR ADMISSION  
PRO HAC VICE ON WRITTEN  
MOTION**

Upon the motion of Laura E. Neish, attorney for plaintiff Tone Grant, and Laura Neish's

affirmation in support:

**IT IS HEREBY ORDERED** that

Norman L. Eisen  
Zuckerman Spaeder LLP  
1800 M Street, N.W., Suite 1000  
Washington, D.C., 20036  
Tel.: 202-778-1800  
Fax: 202-822-8106  
neisen@zuckerman.com

is admitted to practice *pro hac vice* as counsel for plaintiff Tone Grant in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

Dated: May \_\_\_, 2008  
New York, New York

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Honorable Gerard E. Lynch  
United States District Court Judge

**CERTIFICATE OF SERVICE**

I, Laura E. Neish, hereby certify that on May 21, 2008, I caused a true and correct copy of the NOTICE OF MOTION TO ADMIT COUNSEL *PRO HAC VICE* to be served via first-class mail upon the following parties:

Robert W. DiUbaldo, Esq.  
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Company*

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Frank Mutterer  
c/o Mark Conlan  
GIBBONS P.C.  
One Gateway Center  
Newark, New Jersey 017102  
(973) 596-4545

s/ Laura E. Neish

Laura E. Neish

*Laura E. Neish*